

Message Text

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ORIGIN EA-12

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-10 IO-14
JUSE-00 NSAE-00 CTME-00 SNM-05 TRSE-00 ICA-20
NSC-05 OES-09 OMB-01 L-03 H-02 SS-15 /097 R

DRAFTED BY EA/TIMBS:DLFIELD:AR
APPROVED BY EA/TIMBS:REFRITTS
S/NM:RMGIBSON
DEA:DMINGIONE (SUBS)
EA/ANZ:FCBENNETT

-----015114 290921Z /13

R 290141Z JUL 78
FM SECSTATE WASHDC
TO AMEMBASSY WELLINGTON
INFO AMEMBASSY CANBERRA

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E.O. 11652: N/A

TAGS: SNAR, US

SUBJECT: U.S. CRIMINAL ENTERPRISES STATUTES

REF: (A) WELLINGTON 3278; (B) WELLINGTON 3833

1. TEXT OF SUBJECT STATUTE (21 U.S.C. 848) FOLLOWS IN
PARAGRAPH 2. U.S. CODE ANNOTATED SECTION CONTAINING
HISTORICAL NOTES AND NOTES OF DECISIONS (INCLUDING LATEST
U.S.C.A. SUPPLEMENT) HAS BEEN POUCHED TO EMBASSY NARCOTICS
COORDINATOR.

2. BEGIN TEXT: 848. CONTINUING CRIMINAL ENTERPRISE--
PENALTIES; FORFEITURES

(A)(1) ANY PERSON WHO ENGAGES IN A CONTINUING CRIMINAL
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ENTERPRISE SHALL BE SENTENCED TO A TERM OF IMPRISONMENT
WHICH MAY NOT BE LESS THAN 10 YEARS AND WHICH MAY BE UP
TO LIFE IMPRISONMENT, TO A FINE OF NOT MORE THAN 100,000
DOLLARS, AND TO THE FORFEITURE PRESCRIBED IN PARAGRAPH (2);
EXCEPT THAT IF ANY PERSON ENGAGES IN SUCH ACTIVITY AFTER
ONE OR MORE PRIOR CONVICTIONS OF HIM UNDER THIS SECTION
HAVE BECOME FINAL, HE SHALL BE SENTENCED TO A TERM OF

IMPRISONMENT WHICH MAY NOT BE LESS THAN 20 YEARS AND WHICH MAY BE UP TO LIFE IMPRISONMENT, TO A FINE OF NOT MORE THAN

200,000 DOLLARS, AND TO THE FORFEITURE PRESCRIBED IN PARAGRAPH (2).

(A)(2) ANY PERSON WHO IS CONVICTED UNDER PARAGRAPH (1) OF ENGAGING IN A CONTINUING CRIMINAL ENTERPRISE SHALL FORFEIT TO THE UNITED STATES--

A. THE PROFITS OBTAINED BY HIM IN SUCH ENTERPRISE, AND

B. ANY OF HIS INTEREST IN, CLAIM AGAINST, OR PROPERTY OR CONTRACTUAL RIGHTS OF ANY KIND AFFORDING A SOURCE OF INFLUENCE OVER, SUCH ENTERPRISE.

CONTINUING CRIMINAL ENTERPRISE DEFINED.

(B) FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION, A PERSON IS ENGAGED IN A CONTINUING CRIMINAL ENTERPRISE IF--

(1) HE VIOLATES ANY PROVISION OF THIS SUBCHAPTER OR SUBCHAPTER II OF THIS CHAPTER THE PUNISHMENT FOR WHICH IS A FELONY, AND

(2) SUCH VIOLATION IS A PART OF A CONTINUING SERIES OF UNCLASSIFIED

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VIOLATIONS OF THIS SUBCHAPTER OR SUBCHAPTER II OF THIS CHAPTER--

A. WHICH ARE UNDERTAKEN BY SUCH PERSON IN CONCERT WITH FIVE OR MORE OTHER PERSONS WITH RESPECT TO WHOM SUCH PERSON OCCUPIES A POSITION OF ORGANIZER, A SUPERVISORY POSITION, OR ANY OTHER POSITION OF MANAGEMENT, AND

B. FROM WHICH SUCH PERSON OBTAINS SUBSTANTIAL INCOME OR RESOURCES.

SUSPENSION OF SENTENCE AND PROBATION PROHIBITED.

(C) IN THE CASE OF ANY SENTENCE IMPOSED UNDER THIS SECTION, IMPOSITION OR EXECUTION OF SUCH SENTENCE SHALL NOT BE SUSPENDED, PROBATION SHALL NOT BE GRANTED, AND SECTION 4204 OF TITLE 18 AND THE ACT OF JULY 15, 1932 (D.C.CODE, SECS. 24-203 TO 24-207), SHALL NOT APPLY.

JURISDICTION OF COURTS.

(D) THE DISTRICT COURTS OF THE UNITED STATES (INCLUDING

COURTS IN THE TERRITORIES OR POSSESSIONS OF THE UNITED STATES HAVING JURISDICTION UNDER SUBSECTION (A) OF THIS SECTION) SHALL HAVE JURISDICTION TO ENTER SUCH RESTRAINING

ORDERS OR PROHIBITIONS, OR TO TAKE SUCH OTHER ACTIONS, INCLUDING THE ACCEPTANCE OF SATISFACTORY PERFORMANCE BONDS, IN CONNECTION WITH ANY PROPERTY OR OTHER INTEREST SUBJECT TO FORFEITURE UNDER THIS SECTION, AS THEY SHALL DEEM PROPER.

PUB.L.91-513, TITLE II, SECT.408, OCT.27, 1970, 84 STAT. 1265.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DRUG CONTROL, LAW, TEXT
Control Number: n/a
Copy: SINGLE
Draft Date: 29 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE191932
Document Source: CORE
Document Unique ID: 00
Drafter: DLFIELD:AR
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780311-0897
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978075/aaaaaeih.tel
Line Count: 136
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Office: ORIGIN EA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 WELLINGTON 3278, 78 WELLINGTON 3833
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1978633
Secure: OPEN
Status: NATIVE
Subject: U.S. CRIMINAL ENTERPRISES STATUTES
TAGS: SNAR, US
To: WELLINGTON
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/b1e2f071-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
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EO Systematic Review
20 Mar 2014
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